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REMARKS/ARGUMENTS

In response to the Rejection mailed November 28, 2003, Applicants have amended claim 18 and present the following remarks.

Claims 18-22, 25 and 32 were rejected under 35 USC 102(b) as being anticipated by Davis et al. The examiner particularly notes figure 5 where the "gripping section 40" has parallel sides and urges that this may constitute the middle region claimed. The examiner also urges that the lateral score 16 in Figure 1 constitutes a notch and that the lower region has an inner diameter small enough to trap an air bubble between two layers of liquid. This rejection as it pertains to the presently amended claims is respectfully traversed.

Claim 18 recites that the lower region has parallel sides. No embodiment of Davis et al suggests this. Davis et al specifically teaches that the lowest region has a tapered bore with a tapering angle not to exceed 25 degrees. The preferred embodiment has a tapering angle of substantially 10 degrees. See column 3, lines 46-50 and column 4, lines 7-8. The general shape of the lower region is described as a frustum of a cone. See column 3, line 61-64. The tip region is also described as resembling a trapezoidal configuration having two different width measurements and a common height. Thus, it does not have parallel sides. See column 4, lines 42-51. All embodiments and all figures in Davis mention and show this general shape for the lower region.

The only parallel region in Davis et al is the "gripping region 40" shown in Figure 5. Since this region is for gripping the centrifuge tube for slicing the lower section, the parallel region cannot be considered a "lower region". Therefore, Davis et al does not disclose and cannot suggest the present invention.

Furthermore, Davis does not teach a middle region having one or more serrations as claimed in claim 19. The middle region is smooth in all of the figures. While the examiner asserts that the "score" in figure 1 is a serration, this is not consistent with the teaching of Davis. Davis mentions having a score on the external surface of the tube "to accommodate the separation of the tube 10 during the removal of the tube 10 from a completed sample"

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(column 4, lines 1-3). There is no suggestion that the score extends to the inside of the tube. As such, a serration is not present and thus the reference does not support the rejection.

Still further, claim 20 recites that the lower region has the ability to trap an air bubble between two liquids of liquid. The lower section of Davis is angled and is very unlikely to be able to hold an air bubble because the tube sides are not on the sides or top of the air bubble to prevent it from rising by friction. Accordingly, for all of these rejections, the rejection should be withdrawn.

Claim 23 is rejected under 35 USC 103 as being unpatentable over Davis et al as applied above in further view of Simmonds et al. Without agreeing with the rejection, it should be noted that Simmonds et al does not correct for the deficiencies in Davis et al in the initial rejection discussed above or alter the teachings of Davis et al to suggest the recitations in claims 18, 19 and 20 argued above. Accordingly, this rejection should also be withdrawn.

Claim 24 is rejected under 35 USC 103 as being unpatentable over Davis et al as applied above in further view of Sanders et al. Without agreeing with the rejection, it should be noted that Sanders et al does not correct for the deficiencies in Davis et al in the initial rejection discussed above or alter the teachings of Davis et al to suggest the recitations in claims 18, 19 and 20 argued above. Accordingly, this rejection should also be withdrawn.

Claim 30 is rejected under 35 USC 103 as being unpatentable over Davis et al as applied above in further view of Finney et al. Without agreeing with the rejection, it should be noted that Finney et al does not correct for the deficiencies in Davis et al in the initial rejection discussed above or alter the teachings of Davis et al to suggest the recitations in claims 18, 19 and 20 argued above. Accordingly, this rejection should also be withdrawn.

CONCLUSIONS

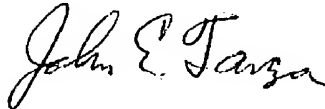
In view of the amendments and comments above, the rejections have been overcome. Reconsideration, withdrawal of the rejections and early indication of allowance are

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respectfully requested. If any issues remain, the examiner is encouraged to telephone the undersigned.

If needed, applicants petition for an extension of time under the provisions of 37 CFR 1.136(a) for sufficient time to accept this response. The commissioner hereby is authorized to charge payment of any fees under 37 CFR § 1.17, which may become due in connection with the instant application or credit any overpayment to Deposit Account No.500933.

Respectfully submitted,



Date: March 1, 2004

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Creation date: 06-15-2004
Indexing Officer: SSIRIKOOL1 - SOMCHIT SIRIKOOL1
Team: OIPEScanning
Dossier: 09804093

Legal Date: 06-10-2004

No.	Doccode	Number of pages
1	A...	3

Total number of pages: 3

Remarks:

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